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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,394	01/23/2006	Masanari Kobayashi	NS-US055263	2050
22919 7590 02/28/2008 GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680				
EXAMINER				
PHAN, HAU VAN				
ART UNIT		PAPER NUMBER		
3618				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,394

Applicant(s)

KOBAYASHI ET AL.

Examiner

Hau V. Phan

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3618

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10-12, 14-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8, 10-12, 14-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgment

1. The amendment filed on 12/21/2007 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 2-8, 10-12, 14-16 and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamada et al. (5,323,989).**

Hamada et al. in figures 1-2, disclose an engine exhaust system for a vehicle, comprising: at least two flexible couplings at both end of flexible joints (20, 22) having elastic characteristics, positioned at two different locations in the exhaust system. Hamada et al. also disclose an intermediate component (14, 32) positioned between the at least two flexible couplings and having mass and a dynamic damper-is formed by virtue of the elastic characteristics and the mass. The elastic characteristics of the flexible couplings are being selected to optimized the resonant frequency of the dynamic damper (a primary natural frequency is about 10-30Hz).

Regarding claims 3, 11, Hamada et al. disclose the mass of the intermediate component, which is selected to optimize the resonant frequency of the dynamic

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damper.

Regarding claims 4, 12, Hamada et al. disclose each of the at least two flexible couplings including a spherical joint.

Regarding claim 5, Hamada et al. disclose the engine exhaust system comprising an upstream flexible coupling having a first elastic characteristic (an upper position from a catalytic converter (14)), a downstream flexible coupling (a rear portion including a flexible joint (22)) having a second elastic characteristic. The intermediate component positioned between the upstream flexible coupling and the downstream flexible coupling is separated from a body of the vehicle, and a downstream component positioned further downstream of the downstream flexible coupling and is mounted to the body of the vehicle.

Regarding claim 6, Hamada et al. disclose the upstream flexible coupling, which is configured and arranged to be closer to an engine than to a muffler (16), the downstream flexible coupling, which is configured and arranged to be closer to the muffler than to the engine, and the downstream component is configured and positioned between the downstream flexible coupling and the muffler. The downstream component is being configured and mounted to the body of the vehicle.

Regarding claim 7, Hamada et al. disclose one flexible coupling having an elastic characteristic and another flexible coupling having an elastic characteristic. The elastic characteristics being selected such that a resonant frequency of the section formed by the flexible coupling and the intermediate component is lower than 30 Hz.

Regarding claim 8, Hamada et al. disclose the intermediate component having a mass, which is selected such that a resonant frequency of the section formed by the flexible couplings and the intermediate component is lower than 30 Hz (col. 4, lines 5-50).

Regarding claim 14, Hamada et al. disclose an engine exhaust system for a vehicle having a body. The engine exhaust system comprises an upstream flexible coupling (an upper position from a catalytic converter (14)) having a first elastic characteristic, a downstream flexible coupling (a rear portion including a flexible joint (22)) having a second elastic characteristic and an intermediate component positioned between the upstream flexible coupling and the downstream flexible coupling and having a mass. The intermediate component (32) is being separated from a body of the vehicle. Hamada et al. also disclose a downstream component positioned further downstream of the downstream flexible coupling. The downstream component being mounted to the body of the vehicle, with the elastic characteristics of the flexible couplings that are selected to optimize the resonant frequency of the vibration system formed of the couplings and the intermediate component (a primary natural frequency is about 10-30Hz).

Regarding claim 15, Hamada et al. disclose the mass of the intermediate component, which is selected to optimize the resonant frequency of the vibration system formed of the couplings and the intermediate component.

Regarding claim 16, Hamada et al. disclose each of the upstream flexible coupling and the downstream flexible coupling including a spherical joint.

Regarding claim 18, Hamada et al. disclose each of the upstream flexible coupling and the downstream flexible coupling including a spherical joint.

Regarding claim 19, Hamada et al. disclose an engine exhaust system to be positioned between an engine and a muffler (16) of a vehicle having a body. The system comprises an upstream (30) flexible coupling configured and arranged to be closer to the engine than to the muffler; a downstream (34) flexible coupling configured and arranged to be closer to the muffler than to the engine; an intermediate component (14, 20, 22) configured and arranged to be positioned between the upstream flexible coupling and the downstream flexible coupling. The intermediate component configured and arranged to be separated from the body of the vehicle; and a downstream component configured and arranged to be positioned between the downstream flexible coupling and the muffler, the downstream component configured and arranged to be mounted to the body of the vehicle. The upstream flexible coupling having a first elastic characteristic and the downstream flexible coupling having a second elastic characteristic. The first and second elastic characteristics being selected such that a resonant frequency of the section formed by the upstream flexible coupling, the downstream flexible coupling, and the intermediate component is lower than 20-30Hz (col. 4, lines 5-50).

Regarding claim 20, Hamada et al. disclose the intermediate component having a mass, which is selected such that a resonant frequency of the section formed by the upstream flexible coupling, the downstream flexible coupling, and the intermediate component is lower than 20-30Hz (col. 4, lines 5-50).

Regarding claim 21, Hamada et al. disclose the mass of the intermediate component and the elastic characteristics of the flexible couplings are selected to optimize the resonant frequency of the dynamic damper.

Regarding claim 22, Hamada et al. disclose the mass of the intermediate component and the elastic characteristics of the flexible couplings are selected to optimize the resonant frequency of the dynamic damper.

Response to Arguments

4. Applicant's arguments filed 12/21/2007 have been fully considered but they are not persuasive. In response to applicant's remark that Hamada et al. patent does not disclose that a dynamic damper is formed by virtue of the elastic characteristics (of the flexible joints (20, 22) and the mass (of the catalytic converter 14 and the intermediate section 32). Furthermore, since the Hamada et al. publication does not disclose that a dynamic damper is formed by virtue of the elastic characteristics (of the flexible joints 20, 22) and the mass (of the catalytic converter 14 and the intermediate section 32) as described above. Hamada et al. publication does not disclose that the elastic characteristics of the flexible joints 20, 22 are selected to optimize the resonant frequency of the dynamic damper or such that the resonant frequency is lower than 20-30Hz. The Examiner disagrees, because Hamada et al. in figure 1, disclose an engine exhaust system (10) having flexible joints (20, 22) to form a dynamic damper with a resonant frequency about 10-30Hz (col. 4, lines 5-50).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hau V Phan/
Primary Examiner, Art Unit 3618

Application Number**Application/Control No.**

10/565,394

**Applicant(s)/Patent under
Reexamination**

KOBAYASHI ET AL.

Examiner

Hau V. Phan

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3618